

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 18, 22, 26 and 27 have been rejected under 35 U.S.C. §112, second paragraph, as being vague and indefinite; Claims 18, 20, 21, 22 and 26-28 have been rejected under 35 U.S.C. §102 as being anticipated by Dauba et al., (WO 00/02825, corresponding to USP 6,430,964) and Claims 19, 23-25 and 29 have been rejected under 35 U.S.C. §103 as being unpatentable over Dauba et al.. Claim 23 has been canceled, without prejudice, along with Claims 30-34 and thus, Claims 18-22 and 24-29 remain active.

It is first noted that the elected claims in the present application include Claims 18-29 and thus, Claims 30-34 have now been canceled, without prejudice.

Considering next then the rejection of Claims 18, 22, 26 and 27, it is to be noted that each of these claims have now been amended for closer compliance with U.S. patent practice and procedure.

Next considering then the rejection of Claims 18, 20, 21, 22 and 26-28 under 35 U.S.C. §102 as being anticipated by Dauba et al., it is to be noted that Claim 18 has now been amended to claim a method for visual marking of glass panes tempered and then heat treated, the method comprising modifying a marking layer deposited on an uneven surface of the tempered glass pane that visually indicates that the heat treatment has been carried out by producing a marking field on the surface of the tempered glass pane, the surface of the marking field having a surface structure and adhesive bonding the marking field via a heat treatment to the uneven surface of the tempered glass pane such that the marking layer deposited on the glass pane is permanently bonded to the marking field wherein the color of the marking layer is thereby irreversibly modified by the heat treatment, and wherein the

marking field configured for depositing the marking layer is produced on the uneven surface structure of the tempered glass pane.

Applicants note in this regard that Claim 18 has been amended so as to now include the limitation that the marking field configured for depositing the marking layer is produced by adhesively bonding the marking field on an uneven surface structure on the tempered glass pane. The resultant intimate bond between the marking layer and the surface of the marking field thus results, as described at page 6, lines 11-18 of the present application and as discussed at page 7, line 26- page 8, line 14. In this regard, it is noted that, while the Examiner has suggested that the limitations of former Claim 23 would be obvious to one of ordinary skill in the art has taken official notice of this obviousness, it is noted that no reference in support of this conclusion has been cited. Accordingly, as per M.P.E.P. §2144.03 – Reliance on Common Knowledge in the Art or “Well Known” Prior Art, Applicants hereby request that the Examiner support this conclusion as required under M.P.E.P. §2144.03(C). In this regard, Applicants submit that a close review of Dauba et al. as well as the remaining references of record fail to indicate a teaching or disclosure of the limitations of Claim 18 as now amended. Moreover, each of the remaining dependent claims also contain limitations not shown by the prior art of record.

New Claim 35 has been added which claims a method for visual marking glass panes tempered and then submitted to a heat-soak-test, with the marking layer that visually indicates that the heat-soak-test has been carried out, the method comprising producing, before the heat-soak-test, at the surface of the glass pane a marking field comprising an uneven surface structure and depositing, after the tempering, a marking color on said marking field for producing the marking layer wherein the marking color fills said uneven surface structure. In this regard, it is submitted that the discussion at page 5, line 37 through page 6, line 5 supports the limitations of Claim 35. It is further submitted that neither Dauba et al.

nor any of the remaining references of record teach or disclose Applicants' claimed invention in Claim 35.

Accordingly, it is submitted that each of the pending claims in the present application now merit indication of allowability and the same is hereby respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)
JDH/rac



Gregory J. Maier
Attorney of Record
Registration No. 25,599

James D. Hamilton
Registration No. 28,421